

Our ref: 11134P1 WO/RJP/CMB.klo Your ref:

Date: 1 October 2004

European Patent Office
International Preliminary Examining Authority
Erhardtstrasse 27
D-80331 Munich
GERMANY

Dear Sirs

International Patent Application No PCT/GB03/004025
Reckitt Benckiser (UK) Limited

We write in reply to your Written Opinion dated 24 June 2004.

We are not making any amendments. We wish to maintain claim 1 as filed. We believe it meets the requirements for patentability.

In assessing this invention it is important to keep in mind that claim 1 defines an odour-absorbing clothes cover having (in summary) front and rear surfaces connected or folded together along their side and upper peripheral edges but not along their lowermost peripheral edges. An opening is formed in the front surface of the enclosure. This opening extends directly from the lowermost peripheral opening.

As a result, the clothes cover is formed with a pair of flaps in the front surface. These may be drawn back by a user to aid insertion of an item of clothing. Furthermore, since the lowermost peripheral edges are not connected or folded together an item of clothing may hang downwardly of the clothes cover. Thus, a suit, dress or coat need not be folded or crumpled to fit into a substantially enclosed "bag".

The cited prior art does not teach this combination of features.

D1 (JP 8266388 - Asahi) discloses a deodorising clothes cover having connected side and upper edges, but with its lowermost edge unconnected. Putting a suit, dress or coat into this enclosure would not be easy. The user would have to feed the item of clothing into the device so as to pass the hanger hook 4 through the small upper opening 5. Once the hook appears through the opening the user generally has to grasp it with the other hand, to prevent it from falling back inside. This may be very difficult for many people to accomplish.

D2 (US 5,078,668 - Endres) discloses a garment protector having an envelope structure made of cloth fabric with an easy access opening in one of its sides covered by a flap member. This garment protector is not said to have any deodorising function. It simply stores and protects a garment. The aim is to provide a high quality garment protector and to eliminate the use of zippers or similar closure devices (column 1 lines 29-32).

There is no suggestion that the lowermost edge of the garment protector of D2 could be open.

A garment has to be introduced into the garment protector of D2 through the opening in one of its sides. Again, it may be difficult to manoeuvre a large garment into this garment protector.

We thus respectfully submit that the examiner is not correct in stating that the slit/flap arrangement of D2 could be combined with the cover of D1 to "thus arrive at the scope of claim 1". In the present invention there is an intersection between a frontal opening and a lowermost peripheral opening. It is because of this intersection that the cover has flaps in the front surface, which allow clothes to be inserted and removed very easily.

We doubt that it is even permissible to combine D1 and D2. The problem in D1 is to produce a deodorising clothes cover. The problem in D2 is to provide a high quality clothes cover which does not have zips and the like. In the present invention the aim is to produce a deodorising clothes cover which allows for very easy insertion and removal of clothing – a problem addressed neither in D1 nor D2. What motivation would the skilled person have, to combine D1 and D2, to solve a problem which neither of them is concerned with?

However, even if one could permissibly combine D1 and D2, it is by no means certain that one would reach the solution of the present invention. A product representing a combination of D1 and D2 could have a central opening, and a lowermost opening, but which do not intersect. Why would one allow the central opening and the lowermost opening to intersect, thereby forming flaps? Neither D1 nor D2 has such flaps.

It should also be of relevance that the present invention is directed towards a problem which neither D1 nor D2 is concerned with – improved ease of use, of a deodorising clothes cover.

We believe it will be readily apparent how the structure of the clothes cover of the present invention leads to considerably improved ease of use. The prior art structures are considerably "more enclosed" than the structure of the present invention. Neither of them can open up in the manner of the clothes cover of the present invention, to allow an item of clothing to be introduced in an easy manner. Possibly it might have been thought heretofore that a "readily openable" clothes cover of the type now claimed would not be effective in achieving good odour absorption. However a clothes cover in accordance with the present invention is, in fact, highly effective in absorbing odours.

We repeat, therefore, that we strongly disagree with the suggestion made by the examiner, that if one combines D1 and D2 one reaches the solution of the present invention. Nor do we believe that the combination of D1 and D2 renders the invention of claim 1 obvious.

The examiner also states the view that claims 2, 3 and 10-14 lack an inventive step. However these all depend on claim 1. Accordingly it follows from our view that claim 1 meets the substantive patentability requirements, that we believe these further claims do, as well.

We have noted the examiner's further helpful comments regarding features in the description. However we prefer to deal with them during the national phase.

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We submit that the International Preliminary Examination Report which now issues should be favourable as regards Novelty, Inventive Step and Industrial Applicability, for all claims.

Yours faithfully
RECKITT BENCKISER plc



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